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REPORT
OF THE
BOARD OF PAROLE
FOR THE
STATE PRISON
AND THE
MASSACHUSETTS REFORMATORY.



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APPROVED BY
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THE BOARD OF PAROLE FOR THE STATE PRISON AND
THE MASSACHUSETTS REFORMATORY.

STATE HOUSE, BOSTON.

FRANK L. RANDALL of Cambridge, *Chairman*.

JOHN B. HEBBERD of Newton.

THOMAS C. O'BRIEN of Boston.

WARREN F. SPALDING of Cambridge.

JOHN H. MACK of North Adams.

JOHN B. HEBBERD, *Clerk*.

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The Commonwealth of Massachusetts.

STATE HOUSE, BOSTON, Feb. 14, 1916.

To the Honorable the Senate and the House of Representatives in General Court Assembled.

The Board of Parole for the State Prison and the Massachusetts Reformatory respectfully submits the following report of its work from its organization to Dec. 1, 1915.

Prior to the fourth day of March, 1915, the Board had no authority to make a report. That authority was given at that date by chapter 35 of the General Acts of 1915. On the twenty-seventh day of May, 1915, a report was submitted to the Legislature in accordance with the provisions of that chapter, but it was returned soon after by the Secretary of the Commonwealth because the report of the Board of Parole for the Reformatory for Women accompanied it. Before it was prepared for separate submission the Legislature was prorogued.

The Board now resubmits the text of that report, together with a recommendation for the enactment of an indeterminate sentence law for the State Prison, and a recommendation that the Board be authorized to appoint a parole agent. (See pages 18 and 21.)

Statistics of the work of the Board for the year ending Dec. 1, 1915, have also been added.

FRANK L. RANDALL, *Chairman.*

JOHN B. HEBBERD.

WARREN F. SPALDING.

THOMAS C. O'BRIEN.

JOHN H. MACK.



The Commonwealth of Massachusetts.

REPORT.

The Board of Parole for the State Prison and the Massachusetts Reformatory was created by chapter 829 of the Acts of the year 1913, the provisions of which are as follows:—

AN ACT TO CREATE BOARDS OF PAROLE AND AN ADVISORY BOARD OF
PARDONS.

Be it enacted, etc., as follows:

SECTION 1. The chairman of the board of prison commissioners, the deputy commissioner whose appointment is authorized by this act and three persons appointed by the governor, with the advice and consent of the council, shall constitute the board of parole for the state prison and the Massachusetts reformatory. The terms of office of the appointed members shall be so arranged and designated at the time of appointment that the term of one shall expire on the first Wednesday of July in each of the three years following the present year, and in each year thereafter the governor shall appoint one member for a term of three years from the first Wednesday of July in the year of his appointment. A vacancy in the appointive members of the board shall be filled in the same manner, for the unexpired term. Any member of the board appointed by the governor may be removed by the governor, with the advice and consent of the council. The deputy commissioner shall be the clerk of the board and shall keep the records of its proceedings.

SECTION 2. The chairman of the board of prison commissioners and the two women members thereof shall constitute a board of parole for the reformatory for women. The clerk of the reformatory shall be the clerk of the board and keep the records of its proceedings.

SECTION 3. All the powers of the board of prison commissioners relating to the granting of permits to be at liberty from the state prison, the Massachusetts reformatory and the reformatory for women are hereby transferred to and vested in the respective boards of parole for said institutions. All provisions of law relative to the granting of permits to be at liberty by the prison commissioners so far as they are applicable, shall

govern the granting of such permits under this act. The board of prison commissioners shall furnish to the boards of parole all information in its possession relating to any prisoner whose case is under consideration. No permit to be at liberty from the state prison, authorized by chapter four hundred and fifty-one of the acts of the year nineteen hundred and eleven, or by chapter one hundred and three of the acts of the year nineteen hundred and twelve, and no permit to be at liberty from the Massachusetts reformatory or the reformatory for women, shall be granted until the prisoner has been seen by the parole board of the institution in which he is held. When a board of parole has granted a permit to be at liberty to any prisoner, it shall notify the board of prison commissioners, which shall issue the permit as directed by the board of parole.

SECTION 4. The board of prison commissioners shall appoint a deputy commissioner, who shall receive a salary of twenty-five hundred dollars a year; shall hold office during the pleasure of the board and shall perform his duties under the direction of the chairman. The board shall require him to direct and supervise the work of the agents for the care, assistance and oversight of paroled or discharged prisoners, and he shall perform such other duties as it shall direct. It may delegate to him powers and duties relating to the visitation of county prisons and the inspection of their books and affairs.

SECTION 5. The board of prison commissioners may appoint at an annual salary to be fixed by the board, not to exceed sixteen hundred dollars, such number of agents, in addition to those now authorized, as may be needed to secure employment for prisoners who are to be, or have been released from the state prison, the Massachusetts reformatory and the reformatory for women, and to enable the board to carry out the laws relative to the identification of criminals and the parole of prisoners from the state prison. It shall be the duty of the board, through its agents, to exercise a careful supervision over all prisoners absent from said institutions upon parole, and it shall require from said agents reports regarding such prisoners as are not complying with the conditions upon which they were released. Every agent appointed by the board shall give his entire time, during business hours, to his duties. No additional agents shall be appointed under this section until the governor and council shall authorize the making of such appointments.

SECTION 6. The board of parole for the state prison and the Massachusetts reformatory shall be an advisory board of pardons. It shall be the duty of said board to consider carefully and thoroughly the merits of all applications for pardon or commutation of sentence referred to it by the governor, and it shall make to him, in writing, without publicity, a report containing its conclusions and recommendations. No such report shall be made without the concurrence of a majority of its members. Before considering any application for pardon or commutation of sentence, if the conviction of the prisoner was had in the superior court said advisory board of pardons shall notify the district attorney, who shall report the

facts of the case as they appeared at the trial, or if the conviction was upon a plea of guilty, the facts as he understands them; the names of all the witnesses in the case, and his recommendation. If the petitioner is serving a sentence in the state prison for murder or for a felony, the attorney-general shall also be notified. If the conviction was in a municipal, police or district court the justice thereof shall make to said board a similar report and recommendation. The attorney-general, district attorney or justice, as the case may be, shall be notified of the hearing upon the application for pardon and they or their representatives may be present at such hearing, may examine the petitioner's witnesses, and may be heard. Said board shall not review the proceedings of the trial court, and shall not consider any questions regarding the correctness, regularity or legality of such proceedings, but shall confine itself solely to matters which properly bear upon the propriety of the extension of clemency to the applicant. Said board, from time to time, may make rules relative to the calling of meetings and to the proceedings thereat. Any member thereof may administer an oath or affirmation to any person offering to testify before it.

SECTION 7. The *ex officiis* members of each board of parole shall receive such compensation as the governor and council, from time to time, shall fix for service rendered under this act. Appointed members shall receive the sum of fifteen dollars for each day of actual service so rendered. Members shall be reimbursed for actual expenses incurred in the performance of official duties.

SECTION 8. So much of section one of chapter two hundred and twenty-two of the Revised Laws, as authorizes the board of prison commissioners to delegate any of its powers and duties to the chairman of the board, is hereby repealed, and all powers and duties so delegated are hereby re-vested in the board.

SECTION 9. This act shall take effect on the first day of July of the current year. [*Approved June 18, 1913.*]

The Board met for the first time on the thirty-first day of July, 1913. Frank L. Randall, Esq., chairman of the Board of Prison Commissioners, and John B. Hebberd, Esq., Deputy Prison Commissioner, were *ex officiis* members. The appointive members were David D. Scannell, M.D., of Boston, Benjamin Loring Young, Esq., of Weston, and Warren F. Spalding, Esq., of Cambridge.

Deputy Prison Commissioner John B. Hebberd is, *ex officio*, clerk of the Board.

Dr. Scannell resigned from the Board, and was succeeded by Thomas C. O'Brien, Esq., of Boston. Mr. Young declined a reappointment and was succeeded by the Hon. John H. Mack of North Adams.

STATE PRISON PAROLE WORK.

Prior to 1911 prisoners were released from the State Prison at the expiration of the minimum terms of their sentences, under the provisions of section 115 of chapter 225 of the Revised Laws.

In 1911 an act was passed (chapter 451) permitting (but not requiring) the Prison Commissioners to release a prisoner who has served two-thirds of the minimum of his sentence, but in no case until he has served two and one-half years. The law is as follows:—

SECTION 1. The prison commissioners may grant a special permit to be at liberty from the state prison to a prisoner held therein upon a sentence with a minimum term of more than two and one-half years, when he has served two-thirds of such minimum term, if it appears to the commissioners that the prisoner is likely to lead an orderly life, and they have a reasonable assurance that he will not become a charge upon public or private charity; but no such permit shall be granted to any prisoner until he has served at least two and one-half years. A prisoner who is held in the state prison upon two or more sentences may be eligible for release under this act when he has served two-thirds of the aggregate of the minimum terms of his sentences.

Section 2, providing for the revocation of a permit to be at liberty, and for the return of the prisoner to the prison, is as follows:—

SECTION 2. Every permit granted hereunder shall be issued upon terms and conditions prescribed by the prison commissioners, and shall be in force until the maximum term of the sentence has expired.¹ The

¹ The power to grant permits to be at liberty from the State Prison, the Massachusetts Reformatory and the Prison Camp and Hospital, and to revoke such permits, has been transferred from the Prison Commissioners to the Board of Parole for the State Prison and the Massachusetts Reformatory by chapter 206 of the General Acts of 1915. Following is the law:—

AN ACT RELATIVE TO THE REVOCATION OF PAROLES.

Be it enacted, etc., as follows:

Chapter eight hundred and twenty-nine of the acts of the year nineteen hundred and thirteen is hereby amended by striking out section three and inserting in place thereof the following:—
Section 3. All the duties and powers of the board of prison commissioners relating to the granting of permits to be at liberty from the state prison, the Massachusetts reformatory, the reformatory for women and the prison camp and hospital, and in relation to the revocation of such permits and to the revocation of paroles from the said institutions are hereby transferred to and vested in the several boards of parole for said institutions. All provisions of law relative to the granting of permits to be at liberty by the prison commissioners, so far as they are applicable, shall govern the granting of such permits under this act. The board of prison commissioners shall furnish to the various boards of parole all information in its possession relating to any prisoner whose case is under consideration. No permit to be at liberty from the state prison, authorized by chapter four hundred and fifty-one of the acts of the year nineteen hundred and eleven or by chapter one hundred and three of the acts of the year nineteen hundred and twelve, and no permit to be at liberty from the Massachusetts reformatory or the reformatory for women or the prison camp and hospital, shall be granted until the prisoner has been seen by the parole board of the institution in which he is held. When a board of parole has granted or revoked any such permit or has revoked any parole, it shall notify the secretary of the board of prison commissioners, who shall thereupon issue such permit, or, in case of the revocation of a permit or parole, shall issue an order for the arrest and return of the person whose permit or parole has been revoked. [Approved April 27, 1915.]

prison commissioners may revoke the permit for any violation of its terms and conditions, and thereupon may issue an order reciting the cause of the revocation, and authorizing the arrest of the holder of the permit and his return to the state prison where he may be held according to the terms of his original sentence; and in that case the time between the release on permit and the return shall not be considered as any part of the term of the sentence. The order for the arrest and return of the prisoner may be executed by any officer authorized to serve criminal process; and if at the time when the order is issued, the prisoner is confined in any prison under another sentence, the service of the order shall be made upon his release therefrom.

The law which created the Board of Parole transferred to it the powers of the Prison Commissioners to grant these permits to be at liberty (usually spoken of as "paroles").

In the exercise of this power the Board has dealt with each prisoner as an individual. That there may be no possible unfairness it permits every prisoner to make application when he becomes eligible for release under the law. It is furnished with all the information in the possession of the warden and physician regarding the prisoner. As far as is practicable the Prison Commissioners obtain and furnish to the Board additional information regarding his previous history and his crime, but in most cases they are not able to make exhaustive investigations. The applicant himself is permitted to present in writing his reasons for asking for this special permit to be at liberty.

After considering all these matters the Board gives to the prisoner himself a personal interview, at which he is heard in his own behalf, as fully as he desires. The friendless prisoner has the same opportunity which is given to those who have the most influential friends. In these interviews the Board endeavors to determine the wisdom of releasing him before the expiration of the minimum term fixed by the court. Believing that the interests of the prisoner and those of the community are identical, it tries to ascertain the probable effect of such release. If in its opinion he seems likely to become a law-abiding and self-supporting citizen, it permits him to serve a portion of his sentence at liberty, but under supervision.

Among the things considered of importance, employment has a large place. It is believed to be essential that work shall be secured in advance, so that the prisoner may be employed as

soon as he is released. Even a few days of idleness may be his undoing. It is also important that he shall have one or more friends who will give him the moral support which he needs. The man who has employment, and a friend who will take a personal interest in him, is less likely to relapse.

In some cases the prisoner is able, by appeals to former employers and in other ways, to secure work in advance; in others it is secured by his friends. When neither of these sources supply the want, the agents of the Prison Commission endeavor to do so, and have been successful in many cases.

The after-care of prisoners released by the Board is in the hands of the Prison Commissioners, whose agents exercise a helpful supervision over them. Men are not released to do as they please or to go where they please, but are still under the control of the State, serving a portion of their sentences under less restraint than they had in the prison, and misbehavior is followed by a return to confinement.

In the exercise of the power of the Board it is found that each prisoner must be dealt with as an individual. Some cannot wisely be released. Records of long-continued criminality must be considered, and there are also some whose defective mental condition is such as to make it probable that they will relapse into crime if released.

But as a rule it is well for a fairly normal prisoner to be released into the community under restraint, and to be readjusted before the expiration of his sentence. If he can become a wage earner and a producer, enabling him to establish habits of industry and right living, and can become accustomed to the ways of the good citizen while he is still under supervision and control, it is to his great advantage and for the benefit of the State.

RELEASES FROM THE REFORMATORY.

The paroling power of the Board over releases from the Massachusetts Reformatory is exercised in substantially the same way as it is in dealing with State Prison inmates. The form of sentence to the reformatory makes it possible to do work that cannot be done with State Prison men. It is not,

primarily, a sentence for punishment, though it results in a confinement which the prisoner usually considers a penalty. Ordinarily the court does not fix the term of imprisonment. It is established by statute, and is longer than usually is imposed when a person is sentenced to a merely penal institution for the same offence.

There are no restrictions upon the power of the Board to release. The sole ground of such action is the probability that the man under consideration is likely to become a good citizen, and the continuance of the liberty granted depends upon his behavior.

A man is seldom sent to the reformatory for his first offence. As a rule, he has been placed on probation, or in other ways has been dealt with leniently, to test his ability to abandon his evil ways without imprisonment. If he will not discontinue wrongdoing the time comes when another form of effort must be tried, and he is sent to the reformatory for discipline and training. This treatment requires the application of methods which will stimulate him to self-control and to the forming of new ideals and new purposes. In many cases he must also have mental training, to supply the needs caused by his lack or neglect of the advantages of early education. He needs, also, to establish habits of industry and to learn how to do ordinary work, for many are wholly incapable. These things require time. A brief detention is useless.

The Board has established rules governing his release. They put the decision largely in his own hands. When he has complied with the requirements he may apply to the Board for a "permit to be at liberty." Every applicant is seen and heard personally. All obtainable facts as to his past history (not merely of his offence) are considered. His capacity for earning a living at assured employment is important. If it is thought likely that he will live properly, he is granted a conditional release and allowed to be at large, subject to return to the institution if he fails to conform to the conditions of his permit. If he is brought back for further treatment he is allowed, in time, to apply for a second release, and sometimes for a third.

As has been said regarding State Prison inmates, many are defective mentally, and some of them will never be equal to

the demands of competitive life. This class of mentally defective offenders constitutes one of the most difficult of the problems of the State. It can be solved only by the establishment of a separate institution. It is not fair to this class of offenders to keep them with those who are normal, and their presence interferes seriously with the administration of the reformatory.

Details regarding the parole work of the Board will be found in another part of the report.

THE ADVISORY BOARD OF PARDONS.

The statute which created the Board of Parole for the State Prison and the Massachusetts Reformatory provides (section 6) that it shall be an advisory board of pardons. Its duty is "to consider carefully and thoroughly the merits of all applications for pardon or commutation of sentence referred to it by the governor," and "to make to him, in writing, without publicity, a report containing its conclusions and recommendations." It is required to notify the district attorney (in murder cases the Attorney-General), or, if the case came from the lower court, the judge thereof. They are required to furnish information, and may be present at hearings given by the Board.

The Board is not allowed to review the proceedings of the trial court, but must confine itself solely to matters which properly bear upon the propriety of the extension of Executive clemency to the applicant.

It is the custom of the Governor to refer to the Board most applications for pardon received by him. With its facilities for obtaining information it is able, usually, to make a report which will furnish the Governor the facts of the case. It is the invariable usage of the Board to see personally the applicant for pardon, and to hear whatever he wishes to say. It also permits the support of the applications by counsel or by friends, but as far as possible restricts them to the presentation of facts. The sole purpose of the Board is to ascertain whether or not there is reason for the exercise of clemency by the Executive. Its functions are purely advisory; it has no power. Its relations to a case cease when it has made its report to the Governor.

Another part of the report shows the number of pardon cases considered by the Board, and its action upon them.

RECOMMENDATIONS.

Extension of Power to Parole from State Prison.

The theory of the indeterminate sentence law passed in 1895 is that the date of a prisoner's discharge from the State Prison should be determined by an administrative board and not by the court, which is forbidden by the statute to "fix the term of imprisonment." The court is required, however, to establish a maximum and a minimum term for which the convict may be held. This is the form of sentence commonly adopted when States have desired to abandon the old method of having terms of imprisonment fixed in advance by the courts. Massachusetts was one of the first States to adopt the indeterminate sentence in this form.

An experience with hundreds of cases has shown that under proper friendly supervision selected men can be allowed to return to a limited freedom with great advantage to themselves and to the community. In other States where similar results have been obtained the tendency has been to greatly increase the portion of the sentence which can be served outside the prison. The Board now has the right (with some qualifications) to permit picked men to so serve one-third of the minimum term in the community. It believes that the limitations upon its power to parole may be wisely removed or modified. It finds some men with short sentences whom it is not necessary to confine the full minimum of two and one-half years, as now required, and some who can wisely be allowed to serve more than one-third of their minimum terms outside the prison.

An enlargement of the power of the Board to parole doubtless would tend to decrease the number of applications for pardon or reduction of sentence by Executive action. It has been found wise to have a considerable number of sentences commuted to a point where paroles could be granted. Excepting in cases of a miscarriage of justice, release on parole is preferable to the exercise of Executive clemency.

We recommend legislation for this purpose.

Need of Information.

A law passed in 1911 (chapter 451) authorizes the release of a prisoner when he has served two-thirds of his minimum term, "if it appears that he is likely to live an orderly life," and if there is "a reasonable assurance that he will not become a charge upon public or private charity." Frequently the only available fact of record at the time of his commitment, in relation to the offence of a prisoner, is that on a given day, some time before he becomes eligible for release, he committed an unlawful act for which he was sentenced to prison. The Board, when it is called upon to act upon the question of his release, also knows his record in the prison, whatever that may be worth. This meager information is of comparatively little value to the Board in deciding the questions involved in release. It is equally necessary to know the details of the crime, and of preceding crimes if any; what have been his surroundings, associates and training; in fact, whatever in his past bears upon the question of his fitness for free life, and his prospects for the future.

Experience has shown that it is almost impossible to obtain this information when the time for release comes. Few records are kept by prosecuting officers; district attorneys change; witnesses move or die or forget the facts; and in many cases the Board is unable to either verify or disprove the story of the prisoner himself.

This information can best be gathered at the trial, when all the facts are fresh in the minds of the court, the district attorney and the probation officer. Several States require that it shall be put in writing then or soon after and forwarded to the prison, where it can be kept until it is needed. To obtain it afterward is not only unsatisfactory but also very expensive.

We suggest the careful consideration of this need, and of the best way of supplying it.

Records in Cases of Pleas of Guilty.

In the exercise of its powers (especially when acting as an advisory board of pardons) the Board frequently hears from a prisoner the declaration that he is innocent of the offence for

which he is serving sentence. In many of these cases the court record shows that he pleaded guilty. His usual explanation of the seeming contradiction is that he pleaded guilty on advice of counsel, of court officers or of friends, on the ground that as circumstances looked badly he might be convicted, and if he insisted upon a trial his sentence would probably be heavier than it would be if he saved the government the expense of a trial. It also occurs, sometimes, that under a misapprehension an accused person pleads guilty to an offence more serious than the facts warrant.

While the Board attaches little importance to the unsupported declaration of innocence from one who pleaded guilty, it is under obligation to ascertain the facts, — a difficult thing when considerable time has elapsed. This difficulty can be removed by merely requiring that when a prisoner pleads guilty he shall make in court a statement showing his guilt.

We recommend legislation covering this point.

Character an Essential Ground of Parole.

The indeterminate sentence law, passed in 1895, required the court, in imposing a sentence to imprisonment in the State Prison, to establish a maximum term and a minimum term for which the convict may be held, instead of fixing the term of imprisonment, and it provided that the Board of Prison Commissioners might release a prisoner at any time after the expiration of the minimum term. The only purpose of giving the court power to fix a minimum term is to prevent a premature release. The State's authority over the prisoner under such a sentence ends only with the expiration of the maximum term. Until then he is in the control of the State, whether he is in the prison or at liberty. The establishment by the court of a minimum term, under the law of 1895, gave him no *right* to release against the judgment of the Board. Probable fitness to be at large was the only ground for release prior to the expiration of the maximum term, and is the only proper ground.

In 1898 the law was so changed that if a prisoner has observed all the rules of the prison, and has not been punished, he *must* be released at the expiration of his minimum term,

regardless of his character or his fitness to be at liberty. But if he breaks a single rule, or is punished even once, he forfeits this right and his release becomes subject to the discretion of the Board. It is proper that behavior in prison should be considered, with other things, in the determination of his fitness to be set at liberty, but in making it the *only* ground for release the law gives it an importance far in excess of its real, proportionate value. Permission to serve a portion of his sentence outside the prison should be neither given nor withheld *solely* on the ground of such behavior.

The existing law interferes seriously with the exercise of one of the most important functions of the releasing power, — that of readjusting the prisoner in the community. Effort is made in all cases to see that employment is ready for him when he goes out lest he relapse into crime because he is idle, and to place him in surroundings which will make it as easy as possible for him to do right. It is very difficult to do this in cases in which the prisoner is released on a day fixed in advance by the court.

We recommend that the law be so changed, so far as future sentences are concerned, that the Board may have discretion regarding the time of release.

Indeterminate Sentence to the State Prison.

The present method of dealing with crime has as its main aim the punishment of the offender. It deals with his offence rather than with him. It concerns itself principally with his one past act rather than with his character. More consideration is given to what he did than to what he is. It often happens that a man is much worse than his worst deed, and his short sentence permits him to return to the community sooner than he should, and to repeat his misdeeds. On the other hand, an offender's deed is often much worse than he is, and he is imprisoned longer than is necessary.

Many of the most objectionable features of our methods of punishing crime are due to the fact that the court, with comparatively little information regarding the character of the offender, is required to fix, in advance, the date at which he must be restored to liberty, and he is released from imprison-

ment at that date, even though he is as unfit for free life as he was when he was committed. Insane persons are committed until they are thought fit to be at large. This serves a double interest, — that of the person committed and that of the community. A similar method in dealing with crime would have a similar result. Under a penal sentence the prisoner has neither obligation nor inducement to reform.

The penalty is supposed to be made to “fit the crime” instead of the criminal. In the prison he is in antagonism with the State, which, in the sentence, announces its purpose to “punish” him. He merely sets himself to endure it. His treatment is the same, no matter what improvement he makes. He gains nothing by doing his best. He will be restored to liberty on the day fixed in advance by the judge, regardless of his character.

The indeterminate sentence puts emphasis upon material matters besides the crime. It recognizes his offence as an indication that it may be necessary to imprison him for a time, and gives the court authority to direct such imprisonment. As he is sent away because unfit to be at large, it requires that his fitness shall be established before he can be released. As the restoration of this fitness may be a long process, requiring much time, — and the court cannot tell, in advance, when it will be completed, — it leaves the determination of the question to those who have facilities for deciding when the interests of the community will permit his release. And as the character of a man cannot be ascertained with certainty while he is in surroundings which are unnatural for human beings, the continuance of his liberty is made dependent upon the continuance of good conduct, under normal conditions, in the community. If he cannot maintain this he must be returned for further treatment.

The imprisonment of the offender involves suffering, but the imposition of punishment for punishment’s sake should not be its principal aim. Imprisonment is a means, not an end. Its main purpose is the protection of society. If it could continue for life the community would have no special interest in the prisoner’s reformation, but it is limited. As he must be free some day, the public has an interest in his reformation. It is

protected from the unreformed criminal as long as he is incarcerated, but no longer. The mere fact that he has been "punished" a certain number of years is of little value.

The indeterminate sentence makes the treatment of a prisoner change as he changes. Much depends upon himself. This secures his co-operation in the prison and afterwards. Eventually he may secure his release, but not his discharge. He is at liberty, but is under supervision and restraint. The most critical time in a prisoner's life is the day of his release. Under the definite sentence it is sudden, and many cannot stand the strain. Under the indeterminate sentence it is gradual. He is readjusted to the community, and resumes his relations to it under conditions which make it reasonably easy to do well. The restraint and supervision are friendly and helpful.

The essential feature of the indeterminate sentence is that the offender is permitted to undergo a portion of his training and treatment outside the prison but under the direction of the authorities. If he is able to be law abiding he retains his liberty; otherwise, he forfeits it for a time.

The Legislature limits the imprisonment for a given offence, and also gives the court the right to further limit it. Under the indeterminate sentence the limit established by the Legislature remains as the only fixed one. The prisoner cannot be held beyond that. Deciding that a man should be imprisoned is a judicial function. Deciding when he is fit for release is an administrative function. Therefore it is committed to an administrative board, and release is conditional, not absolute.

This method has been tried in penitentiaries in many States with excellent results. It has been tried in principle in our two State reformatories for many years, and for them it is the accepted policy of the State. We believe it should be applied to the State Prison.

Agent for the Investigation of Pardon Cases, etc.

The work of the Board as an advisory board of pardons has been an increasing one. It is the desire of the Board to make very thorough investigations of all pardon cases referred to it by the Governor. Many of them are very important, and the Board cannot advise His Excellency as the law requires without

having all obtainable facts. These can be secured only by personal investigations, made by a person trained for the work and with available time, as reports from prosecuting officers and courts, however complete in themselves, do not afford all the information required by the Executive in passing upon the question of the granting or withholding of clemency.

The law requires the Prison Commissioners to "furnish to the board all information in its possession relating to any prisoner whose case is under investigation," but it is doubtful if this applies to pardon cases. The agents of the Prison Commission have furnished much information in pardon cases, but their other duties are so important and engrossing that they should not be taken from them for this work. The need of an agent to do this work in pardon cases for the Board is a very urgent one.

AN ECONOMIC VIEW OF PAROLE.

The primary and most important consideration in the administration of the parole law is its effect upon those who are released. It is plain that if, after a period of imprisonment, a prisoner can be set at liberty under supervision and readjusted to the community so as to live as a law-abiding citizen, it is for the mutual advantage of the man and the public. Any reasonable expense is justifiable, if this can be accomplished, even if there were no pecuniary gain.

But there is a great financial saving in the cost of supporting the prisoner. The only absolutely fixed expenses are those for food and clothing. The cost of these two items at the State Prison last year was \$59.26 per capita per annum. In a single year 122 men were paroled. The aggregate reduction of their sentences was 182 years. In other words, if they had remained for their minimum terms they would have served 182 years more than they did serve, and it would have been necessary to feed and clothe them at a cost of \$59.26 a year each. The total saving to the State for these two items was \$10,785.32.

A more important item must also be considered. While in prison they are consumers, when released most of them become producers. Most of the paroled men are at work, at substantially the ordinary wages of other men. Many of them

earn as much as \$20 per week; some of them more. But if a very low estimate of their earnings should be taken (say \$10 a week, or \$520 a year each), for the 182 years which they are allowed to spend outside the prison their aggregate earnings would amount to \$92,640.

The number of men on parole from the reformatory is much larger, and the terms for which they are paroled are longer, so that the saving to the State in the cost of their support is larger than it is in the State Prison. Though they are younger than the State Prison men, and earn less per man, the aggregate earnings are larger.

The economic result of the parole system, which transfers men from the consuming class to the producing class, has not received the consideration it deserves. The cost of administration is very small in comparison with the pecuniary returns.

The four agents who have the care of the more than 1,600 men on parole cost, for their salaries, but \$6,400, to which must be added a small amount for expenses.

PAROLE STATISTICS.

Number and Places of Meetings of the Board of Parole for the State Prison and the Massachusetts Reformatory, July 31, 1913, to Dec. 1, 1915.

	State Prison.	Massachusetts Reformatory.	Prison Camp and Hospital.	State Farm.	Reformatory for Women.	Worcester House of Correction.	Salem House of Correction.	East Cambridge House of Correction.	Deer Island House of Correction.	Springfield House of Correction.	Pittsfield House of Correction.	Tewksbury State Infirm.	Suffolk County Jail.	State House.	Fitchburg House of Correction.	Attorney-General's Office.	Total.
1913.																	
July,	1	1	1	1
August,	2	-	-	-	-	-	-	-	-	-	-	-	1	1	1	5
September,	3	-	-	-	-	-	-	-	-	-	-	-	1	1	1	8
October,	4	-	-	-	-	-	-	-	-	-	-	-	1	1	1	9
November,	6½	-	½	½	-	-	-	-	½	-	-	-	1	1	1	12
December,	5	½	-	-	½	-	-	1	-	-	-	-	2	1	-	12
1914.																	
January,	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9
February,	3	-	-	1	-	1	-	-	-	-	-	-	-	-	1	7
March,	3	1	-	-	-	-	-	-	-	-	-	-	2	-	-	8
April,	3	-	-	1	-	-	-	1	-	-	-	-	-	-	-	8
May,	4½	-	-	-	-	-	½	-	-	-	-	-	-	-	-	9
June,	2	-	-	-	-	-	-	1	-	-	-	-	-	1	-	7
July,	3	-	1	-	-	-	-	-	-	-	-	-	-	-	-	6
August,	3	½	-	-	-	-	-	-	-	-	-	-	1	-	-	6

Number and Places of Meetings of the Board of Parole for the State Prison and the Massachusetts Reformatory — Concluded.

	State Prison.	Massachusetts Reformatory.	Prison Camp and Hospital.	State Farm.	Reformatory for Women.	Worcester House of Correction.	Salem House of Correction.	East Cambridge House of Correction.	Deer Island House of Correction.	Springfield House of Correction.	Pittsfield House of Correction.	Tewksbury State Infirmary.	Suffolk County Jail.	State House.	Fitchburg House of Correction.	Attorney-General's Office.	Total.
1914.																	
September, .	2	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8
October, .	4	3	½	-	-	½	-	-	-	-	-	-	-	-	-	-	8
November, .	2	2	-	-	1	1	-	-	1	-	-	-	-	2	-	-	9
December, .	2½	7	-	-	-	-	-	1	-	-	-	-	-	½	-	-	11
1915.																	
January, .	3½	5	1	-	-	-	½	-	½	-	-	-	½	1	-	-	12
February, .	2	6	-	-	½	-	½	-	-	-	-	-	-	-	-	-	9
March, .	2	7	-	1	-	-	-	-	-	-	-	-	-	-	-	-	10
April, .	4	7	-	-	-	-	-	1	1	-	-	-	-	-	-	-	13
May, .	4	3	2	-	-	-	-	-	-	-	-	-	-	-	-	-	9
June, .	3	5	½	-	-	½	-	½	½	-	-	-	-	1	-	-	11
July, .	4½	5	1	-	-	-	-	-	-	-	-	½	-	-	-	-	11
August, .	2	5	½	-	-	-	-	-	½	-	-	-	-	½	-	-	9
September, .	3	5	1	-	-	-	1	-	-	-	1	-	-	-	-	-	11
October, .	1	5	½	-	-	½	-	-	-	-	-	-	-	-	-	-	7
November, .	5½	2½	-	-	-	-	-	-	-	1	-	-	-	-	-	-	9
Total, .	89½	115½	9	2½	4	3½	3	3	6½	1½	1	½	½	12	1	1	254

<i>Character of Meetings.</i>										Meetings.
Parole work,	.	.	.	.	.	.	.	.	.	145
Pardon work,	.	.	.	.	.	.	.	.	.	70½
Parole and pardon work,	.	.	.	.	.	.	.	.	.	31½
Executive sessions,	.	.	.	.	.	.	.	.	.	7
Total,										254

Number of Persons interviewed and Number paroled, Aug. 1, 1913, to Dec. 1, 1915.

	Number interviewed.	Number paroled.
State Prison,	565	338
Massachusetts Reformatory,	1,935	1,344
Prison Camp and Hospital, ¹	155	115
	2,655	1,797

¹ Authority was given to the Board to grant paroles from this institution by chapter 206, General Acts of 1915.

Summary of Pardon Applications considered by the Advisory Board of Pardons, Aug. 1, 1913, to Dec. 1, 1915.

	RECOMMENDATIONS.								Total.
	Number of Applications considered.	Pardons.	Pardon on Parole Conditions.	Pardons to return to Native Country.	Commutation of Sentence followed by Parole.	No Pardon but paroled by Board.	No Pardon.	Petition withdrawn.	
State Prison,	239	10	18	2	14	20	—	1	239
Massachusetts Reformatory,	88	2	—	—	—	—	21	—	88
Reformatory for Women,	16	2	—	—	2	—	3	—	16
Prison Camp and Hospital,	9	1	—	—	—	1	1	—	9
State Farm,	2	—	—	—	—	—	2	—	2
Bridgewater State Hospital,	3	—	—	2	—	—	1 ¹	—	3
Tewksbury (State Infirmary),	1	—	—	—	—	—	—	—	1
Deer Island House of Correction,	16	1	3	1	—	—	1 ¹	—	16
East Cambridge House of Correction,	7	—	2	1	1	—	—	—	7
Worcester House of Correction,	3	—	1	—	—	—	2	—	3
Springfield House of Correction,	2	—	—	—	—	—	2	—	2
Fitchburg House of Correction,	1	—	—	—	—	—	—	—	1
New Bedford House of Correction,	1	1	—	—	—	—	—	—	1
Suffolk County Jail,	1	—	1	—	—	—	—	—	1
Salem House of Correction,	4	—	1	—	—	—	1 ¹	—	4
Pittsfield House of Correction,	1	—	1	—	—	—	—	—	1
Total,	394	17	27	6	17	21	28	1	394

Recommendations for Executive clemency of one form or another were made in 22.3 per cent. of the cases considered.
¹ After transfer to the Massachusetts Reformatory.

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